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C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 008334

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SUBJECT: GOR INTENDS TO EXTRADITE IVANOVO 13 TO UZBEKISTAN

REF: A. STATE 41999

[1](#)B. MOSCOW 2761

Classified By: A/POL Colin Cleary. Reasons 1.4 (b and d)

[1](#)1. (C) SUMMARY: The GOR has announced it intends to extradite 13 men detained at Uzbekistan's request for alleged involvement in the events in Andijon. UNHCR and human rights NGOs have told us that the men have further legal appeals available, but they are pessimistic there will be any reversal of the procuracy's decision. UNHCR is working with the detainees' lawyer to prepare appeals to the European Court of Human Rights (ECHR) to block the extradition once their appeals in Russia are exhausted. We see little hope that the GOR's course will be reversed without ECHR intervention because of Russia's overriding interest in improving bilateral relations with Uzbekistan. Nevertheless, there are some in the GOR who recognize the potential damage to Russia's international reputation, and we will reach out to them. END SUMMARY.

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TIME IS RUNNING OUT

[1](#)2. (U) On August 3, the Office of the Prosecutor General announced on its website that 13 men detained by the GOR in Ivanovo last year would be extradited to Uzbekistan. The Government of Uzbekistan had issued warrants for their arrest in connection with crimes committed during the uprising in Andijon in May 2005. The Procuracy noted that the GOR had obtained guarantees that the Uzbek Government would not seek the death penalty for them. It also underscored that the decision was made strictly on the facts of the case, not for any political reasons, and that Uzbek authorities had further promised the detainees would be given all protections accorded by international norms and Uzbek law. They would not be subjected to torture, violence or any other cruel and degrading treatment. (NOTE: The detainees are all ethnic Uzbeks, and 12 of them are citizens of Uzbekistan, while the remaining one is a citizen of Kyrgyzstan. UNHCR has recognized the 12 as refugees, while the Kyrgyz Embassy in Moscow has responsibility for protection of its citizen. END NOTE).

[1](#)3. (C) UNHCR Senior Protection Officer Gang Li and human rights activists told us separately that the GOR has already unofficially notified 10 of the 13 men that they will be extradited. Li expected that all 13 would be officially informed within the next several days. All 13 have been denied refugee status by the GOR, and Li said their legal options are running out. Following official notification of the extradition order, they will have 10 days to appeal the decision to the local court in Ivanovo and then can appeal the lower court decision to the Russian Supreme Court. There was also a potential for them to file a separate request to the GOR for temporary asylum. Li said he did not think that

their extradition was imminent. The appeals could play out in as little as a few weeks, or they could drag on for more than a year, depending on what the GOR chose to do.

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COURT OF LAST RESORT

14. (C) Failing any decision by Russian courts to block their extradition, Li said UNHCR was working with the men's lawyer and the human rights NGO Memorial to seek an emergency injunction from the ECHR to block the extradition. UNHCR would be working with Memorial to add more lawyers to their defense to ensure that appeals to the ECHR were ready when needed, Li said. UNHCR in Moscow has already noted its concerns about the procuracy's decision to the MFA, and he expected UNHCR headquarters would also raise it with the Russians in Geneva.

15. (C) Yelena Ryabinina of the human rights NGO Civic Assistance told us that the Uzbek charges were obviously false, but the Russian prosecutors had accepted them without question. She said the procuracy's decision was politically motivated, and the GOR was acting in the interest of improving its relationship with Uzbekistan. She had little hope the Russian courts would block the extradition, and the ECHR would be the detainees' only hope.

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COMMENT

16. (C) Our options are limited. We concur with our interlocutors that there is a slight chance at best that a Russian court will overturn the procuracy's decision. The GOR apparently has already factored in the international community's reaction. The procuracy's reference to the

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"guarantees" of humane treatment offered by the Uzbek Government is likely an effort to pre-empt any criticism, although it must know that these guarantees are hardly credible. Nevertheless, there are some in the GOR who recognize that sending the men to Uzbekistan will hurt Russia's international reputation, and we will follow up with the MFA and the Office of Human Rights Ombudsman Vladimir Lukhin to make them aware of our concerns.

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